

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HEIDI and ERNEST ANGLIN,

Plaintiffs,

v.

MERCHANTS CREDIT CORPORATION and
JASON WOEHLE,

Defendants.

CASE NO. C18-0507-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on Defendants' notice of filing bankruptcy (Dkt. No. 20) and Plaintiffs' related notice to the court (Dkt. No. 21). Defendant Jason Woehler ("Woehler") filed a voluntary bankruptcy in the Western District of Washington Bankruptcy Court. (Dkt. No. 20 at 5.) Typically, the filing of a bankruptcy petition initiates an automatic stay of all pending judicial actions against the debtor. *See* 11 U.S.C. § 362(a)(1); *Eskanos & Adler, P.C. v. Leetien*, 309 F.3d 1210, 1214 (9th Cir. 2002).

Plaintiffs, however, have filed a motion with the bankruptcy court seeking relief from the automatic stay, in order to proceed with this lawsuit against Woehler. (Dkt. No. 21 at 3–4.) A hearing on Plaintiffs' motion is scheduled for August 2, 2018. (*Id.*) Given that, the Court finds

1 that it is appropriate to defer consideration of Defendants' pending motion to dismiss (Dkt. No.
2 11). Although the automatic stay does not prevent the Court from considering the motion to
3 dismiss as it applies to Defendant Merchants Credit Corporation, *see Boucher v. Shaw*, 572 F.3d
4 1087, 1094 (9th Cir. 2009), the Court concludes that the interests of judicial economy and
5 conservation of the Court's resources favor considering the motion to dismiss as to both
6 Defendants.

7 Therefore, the Clerk is DIRECTED to re-note Defendants' motion to dismiss (Dkt. No.
8 11) to August 10, 2018. The parties shall file a joint status report no later than August 3, 2018,
9 informing the Court of the status of Woehler's bankruptcy proceeding. The joint status report
10 shall also inform the Court of the status of the state court proceeding in Whatcom County
11 District Court, cause no. CV16-0093. Particularly, the parties shall inform the Court whether
12 there are any pending causes of action in that case.

13 DATED this 20th day of June 2018.

14 William M. McCool
15 Clerk of Court

16 s/Tomas Hernandez
17 Deputy Clerk
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